

CITY OF HAYWARD AGENDA REPORT

Meeting Date 1/22/04 Agenda Item 1

TO:

Planning Commission

FROM:

Carl T. Emura, Associate Planner

SUBJECT:

Appeal of Denial by Planning Director of Administrative Use Permit Application No. PL-2003-0576 - Moe Janda (Applicant/Owner) - Request to Allow Truck and

Bus Driving School at 2977 Baumberg Avenue in an Industrial (I) District

RECOMMENDATION:

It is recommended that the Planning Commission uphold the Planning Director's denial action, subject to the attached findings.

DISCUSSION:

The applicant proposes to continue operation of a truck and bus training school on approximately the front one-third of the 2-acre site and to cover the remaining area with gravel; a chain-link fence would separate the two areas. The applicant proposes to expand the operations onto, and make improvements to, the remainder of the site as the business is able to expand. The applicant would maintain the modular building for an office and classroom instruction and would provide eight parking spaces. The school would operate from 8 am to 5 pm, Monday through Friday, with a maximum of eight students. The students would be given instructions in the classrooms and then taken to the streets for driver training. The training would be aimed at obtaining Class A and Class B commercial drivers licenses. No truck repairs would be performed on the site and the vehicles would be cleaned at a truck washing facility.

The applicant has operated a driving school on this site since June 2001 without the benefit of an approved Administrative Use Permit (AUP). An AUP is required to operate a vocational school in the Industrial District. The site is composed of two parcels totaling 93,378 square feet, surrounded by a warehouse, an auto-repair shop and a sculpture manufacturer. A modular building (1420 square feet), located toward the front of the property, serves as an office and classroom. The property is zoned Industrial District.

The modular building was installed without a building permit. The applicant was alerted of the need for a permit by a building inspector who was involved in a demolition on an adjacent property. When the applicant contacted the City regarding the building permit, he was told about the need for the AUP and he followed through with this application.

Staff's primary concern about the proposed use centers on its impact on the surrounding streets. The site is approximately 130 feet east of the intersection of Industrial Boulevard and Baumberg This is a heavily congested intersection, operating at Level of Service "E" (poor progression, long cycle lengths and cycle failures) during the afternoon peak hour. The General Plan Circulation strategies call to seek a minimum Level of Service "D" during the peak commute Trucks and buses especially impact traffic operations as they are regarded as heavy vehicles when analyzing traffic operations with a truck equivalent to two to three passenger cars and buses to about two cars. In addition, Baumberg Avenue connects to Arden Road west of the project site, which is a heavily traversed street connecting industrial and business parks to the San Mateo Bridge. Trucks and buses entering and exiting the site would have an adverse impact on the intersection of Industrial Boulevard and Baumberg Avenue and would be a poor location for a truck and bus driving school, especially as students are just learning to drive a truck or bus. The entry gate is very constricted and does not provide for efficient truck or bus movements in pulling off Baumberg Avenue without blocking street traffic. In addition, staff has observed that trucks and buses parked along Baumberg Avenue block site lines of cars and trucks moving northbound on Baumberg Avenue creating a potential hazardous condition. The grade-level railroad crossing just to the west further impacts traffic movements on Baumberg Avenue.

Should the Planning Commission wish to approve this project, staff recommends that several improvements be made to ensure that the project meets the minimum code requirements and design standards for an industrial property. The minimum design guidelines set policy that typically does not allow consideration of modular units for use other than as temporary construction or sales offices because of the difficulty in complying with the guidelines. Although, the applicant has indicated that he is willing to make improvements to the unit, it is difficult to modify an existing modular unit adequately to meet the guidelines. Modifications would have to include the addition of materials to provide "a variety of textures, use of interesting patterns, provision for interesting shadows, offsets, decorative siding, and attractive accent materials." The windows and entries facing the street frontage should be articulated and shadow relief could be created using columns, trellises and other similar features. Staff would recommend that a site-built structure, designed to comply with the guidelines, replace the modular unit, and that it be placed in front of any fencing to become part of the streetscape.

The plan shows frontage landscaping that does not meet the required depth of 10 feet and a variance would have to be granted for the proposed 8-foot depth. However, the applicant indicates that he is willing to increase the depth and move the existing chain-link fence to the rear of the landscaped area so that the plantings are visible from the street, which disposes of the need for a variance. The applicant would also have to provide required landscaping, including trees, within the parking areas. The entry gate should be automated to facilitate truck and bus movements. The Baumberg Avenue frontage is unimproved; the applicant would be required to dedicate 5 feet of the property frontage for right-of-way purposes and street improvements would be required, including curb, gutter, sidewalk and a street light. The applicant would have to obtain a building permit for the structure. The dividing line between two parcels making up the site is crossed by the building; a lot merger would be required to combine the two parcels unless the building were to be relocated.

On November 18, 2003, the Planning Director denied the Administrative Use Permit application. On December 1, 2003, the applicant appealed the Planning Director's decision. In the appeal

letter, attached as Exhibit C, the appellant indicates that he was misinformed about the requirements for modular buildings in the Industrial District and that modular buildings can be seen on school sites throughout Hayward. The applicant further states that the modular building would be in harmony with the surrounding development. It is true that modular buildings can be seen on school sites, however the City does not have control over buildings on state or school districts. The applicant also indicates that he is willing to work with staff to comply with the design standards. However, the traffic issues associated with this site make it undesirable for use as a truck and bus driving school.

ENVIRONMENTAL REVIEW:

CEQA does not apply to projects which a public agency disapproves. Should the Planning Commission wish to approve this approve, CEQA review will be required.

PUBLIC NOTICE:

On January 12, 2004, a Notice of Public Hearing was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records.

CONCLUSION:

While staff is supportive of vocational opportunities in the Industrial District, it is recommended that the Planning Director's denial be upheld as this is not a good location for a truck and bus driving school because of the traffic conditions affecting this section of Baumberg Avenue. It is a heavily traversed street into the industrial district and the intersection of Baumberg Avenue and Industrial Boulevard already experiences an unacceptable Level of Service. Students learning to drive a truck or bus for the first time may not know how to safely operate the vehicle in a congested area. Should the Planning Commission wish to approve the project, it is recommended that the proposed improvements meet the minimum design standards for the Industrial District. Substantial improvements would be required to comply with these standards. If the Planning Commission is supportive of the Administrative Use Permit, staff should be directed to bring back the project with an analysis of environmental impacts and related findings and conditions of approval.

Prepared by:

Garl T. Emura, ASLA

Associate Planner

Recommended by:

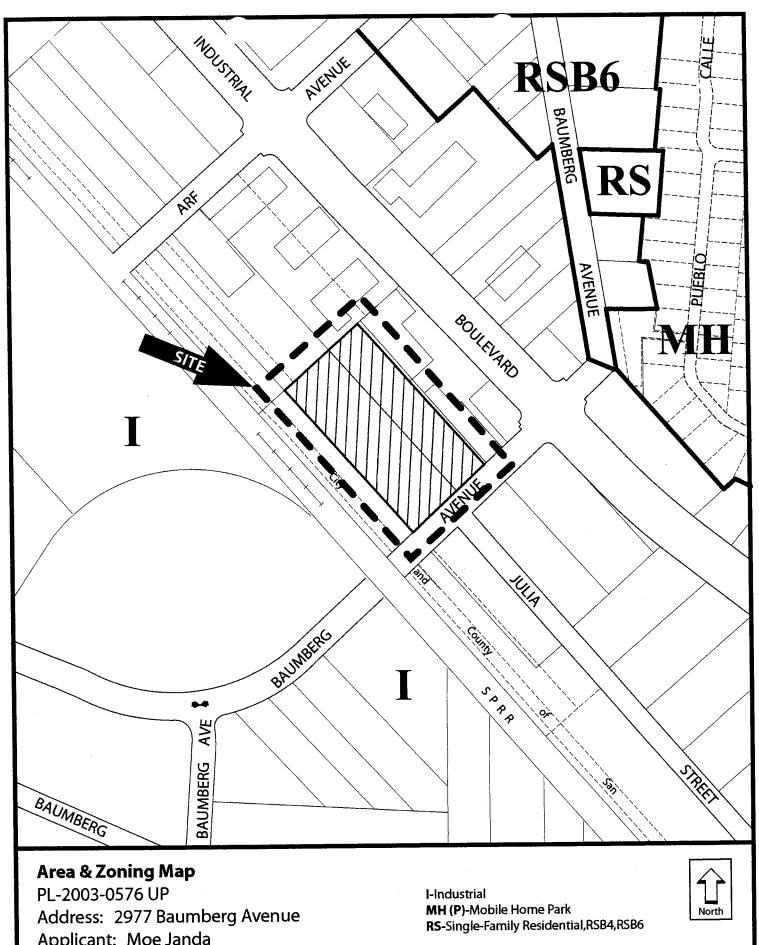
Dyana Anderly, AICP

Planning Manager

Attachments:

- A. Area Map
 B. Business Promotional Information
- C. Appeal Letter
 D. Findings for Denial

Plans



Applicant: Moe Janda Owner: Moe Janda



ABOUT A1
PROGRAMS
ADMISSIONS
TUITION
PLACEMENT

Programs

Our comprehensive programs give you everything you need to know to get your CDL, and to get employed in the trucking industry.

Class A Commercial Drivers License Program A-1 Truck School's Tractor/Trailer Operator Program is a day or evening course. Classes meet Monday through Saturday, and Sundays are also available. Course work includes:

- Assistance in getting your learner's permit
- Driving on the open road in highway, city, and heavy traffic conditions.
- Safe and efficient operation of various types of tractors and trailers.
- Defensive driving techniques, backing, safety and emergency procedures.
- · Graduates receive a Class A CDL.
- We will assist you with all endorsements at no extra charge.

Class B Commercial Drivers License Program A-1 Truck School's Class B CDL Program includes:

- Driving on the open road in highway, city, and heavy traffic conditions.
- Operations of straight trucks.
- Defensive driving techniques, backing, safety and emergency procedures.
- Loading and unloading, parking and docking procedures.
- Trip planning and navigational skills.
- Graduates receive a Class B CDL.
- We will assist you with all endorsements at no extra charge.

Training in Transfers, doubles, and flats Our construction

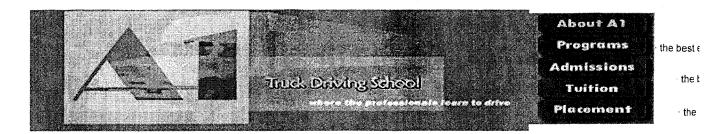
ATTACHMENT B

programs specialize in giving you the valuable construction vehicle skills you need. Call us to find out more.



A-1 Truck Driving School Inc. 2977 Baumberg Ave. Hayward, CA. 94545

Tel. (510) 783-6030



ABOUT A1
PROGRAMS
ADMISSIONS
TUITION
PLACEMENT

About A-1 Truck Driving School

If you are considering a career in trucking, you've come to the right place. At **A-1 Truck Driving School** we take your education seriously. We pride ourselves on the quality of our courses and the outstanding value of our <u>programs</u>.

We offer

- new equipment
- professional instruction
- a friendly, caring atmosphere



Located in Hayward, California, we are easily accessible from anywhere in the San Francisco Bay Area. We are school certified in the State of California and have been in the trucking business since 1975. Our instructors are friendly, courteous and patient, and are available 7 days a week to work with your schedule.

We can help you obtain a commercial licence in as little as two weeks. We also specialize in construction vehicle training including transfers, doubles, and flats. (See <u>programs</u>.) Our campus includes a spacious yard for training and practice.

A-1 Truck Driving School Inc. 2977 Baumberg Ave. Hayward, CA. 94545

Tel. (510) 783-6030

A-1 Truck Driving School, Inc. 2977 BAUMBERG AVENUE, HAYWARD, CA 94545 510-783-6030

December 1, 2003

Dyana Anderly
Planning Manager
Department of Community & Economic Development
City of Hayward
777 B Street,
Hayward, CA 94541

Dear Ms. Anderly:

We received your decision communicated through Mr. Carl Emura, denying us the USE Permit to operate a truck; bus and fork lift training school at 2977 Baumberg Avenue. It is extremely disappointing to find out that you will not let us operate the business at this site. We will respectfully disagree with your Findings for Denial and want to appeal your decision to the Planning Commission.

Following are responses to your findings in the same order:

- 1. As stated in your letter, the project meets the CEQA Guidelines and has been determined not to have a significant effect on the environment.
- 2. The reason for parking trucks and trailers in front of the property is to deter people from using the street as dumping grounds. There have been numerous instances when we have found junk cars, mattresses, old furniture, etc. littered in front of our office. Since we put the trailers in front of our property, you can see the dumping grounds have moved further west from our property on Baumberg Avenue. If parking is an issue with the City, we will remove the trailers immediately.
- 3. Existing lot is not paved. The USE Permit application shows that significant portion of the lot will be paved. The portion of the lot that will not be used will be fenced off. We were unaware of the Planning Departments requirements for buildings in industrial zone. At the advice of Mr. Steve Graves, who visited our property numerous times we purchased and installed the modular building. We assumed Mr. Steve Graves by the virtue of his employment with the City of Hayward was aware of the all the requirements. It was only after inspecting the installed building he mentioned that we need to obtain a Building Permit.

Also, modular buildings can be found at various sites within the City, like school buildings, golf-course, etc.

- 4. These comments seem to be addressing the existing conditions. These comments do not apply to the proposed improvements, in which a significant area of the lot will be paved and the unpaved gravel area will be fenced off and not used for driving trucks or buses.
- 5. This property used to be a junk yard for number of years before we purchased the lot and cleaned up. The property is surrounded by warehouses, auto-repair shop and a sculpture manufacturer. We believe that this building is in harmony with its neighbors. The site does not face a major street. There is a flood control channel and railway tracks on the west side with no possibility of real estate development on that land. This building does not impose or have adverse effect on any of the neighboring properties.

As mentioned in our application, we are in the process of establishing our business and need some time to think

City of Hayward USE Permit Appeal

December 1, 2003 Page 2 of 2

through and plan the improvements. We want to and will abide by all of the City's requirements. Unfortunately due to some incorrect guidance, we got misled into believing that modular buildings are acceptable.

If there are any modifications and improvements that we can do to the exterior of the building to meet Planning Department's requirements, we will be willing to explore that route. Now, we understand your requirements but removing the building will totally disrupt the business, cause hardship and a big financial loss if forced to rescind on the lease prior to expiration.

As mentioned earlier, we just need some time to develop this site and construct a office building. We would like to meet with you in person and discuss our future plans.

Sincerely,

Moe Janda

A-1 Truck Driving School, Inc.

President

CITY OF HAYWARD PLANNING DIVISION January 22, 2004

<u>ADMINISTRATIVE USE PERMIT APPLICATION No. 2003-0576 – Moe Janda</u> (<u>Applicant/Owner</u>) – Request to operate a truck and bus driving school

The site is located at 2977 Baumberg Street, in the Industrial (I) District, APN 456-0054-016/456-0054-017

FINDINGS FOR DENIAL

- 1. The California Environmental Quality Act (CEQA) does not apply to projects that are not approved.
- 2. The proposed project would not be desirable for the public welfare in that it would have an adverse impact on area traffic movement. The intersection of Baumberg Avenue and Industrial Boulevard is at Level of Service "E" during the afternoon peak time with poor traffic progression, long cycle lengths and cycle failure. The General Plan calls for a minimum Level of Service "D." Trucks and buses accessing this site would further impact traffic progression in this area, especially with inexperienced drivers. The access to the site is constricted, which would cause additional obstructions to traffic.
- 3. The proposed project is not consistent with the character and integrity of the Industrial District in that it is difficult to modify the modular such that it complies with the minimum design guidelines of the Industrial District. Modifications would have to be made to include the addition of materials to provide a variety of textures, use of interesting patterns, provision for interesting shadows, offsets, decorative siding, and attractive accent materials.
- 4. The proposed use would be detrimental to the public health, safety, or general welfare in that site is in close proximity to the intersection of Industrial Boulevard and Baumberg Avenue, which is a heavily traveled and congested intersection. Trucks and buses driven by students entering and exiting the site would hamper traffic progression on Baumberg Avenue. In addition, truck and buses parked along the street block site lines of cars and trucks moving northbound on Baumberg Avenue creating a potential hazardous condition.
- 5. The project would not be in harmony with applicable City policies in that it has not been demonstrated that the proposed project can comply with the City's minimum design standards for the Industrial District.



ARUN SHAH & **ASSOCIATES**

39795 PASEO PADRE PARKWAY, FREMONT, CA 94538 (510) 220-4264 (510) 657-4265 FAX



LEGEND

EXISTING CONSTRUCTION TO REM □□□□□ EXISTING CONSTRUCTION TO BE REMOVED

AL. APPROX. ARCH.

BD. BLDG. BLKG. BCT.

CL CLG. CLO. CLR. C.O. COL. CONG. CONSTR CONT.

DEPT. DIA. DIA. DIM. ON. DISP. D.S. DWG.

EA. ELEC. ELEV. ENCL. EXIST. EXT.

F.D. F.E.C. F.H.C. F.H.C. F.H.C. F.O.C. F.O.

LO. INSUL. INT.

LAV. LT.

MAX. MECH. MET. MFR. MISC. MISC. MID.

CENTER LINE

①(0

 \Diamond WINDOW MARK

 $\triangle C$ \$ DATUM POINT

 \Diamond SECTION ---

 $\square \square$ CONCRETE BLOCK

EARTH GYPSUM BOARD 2888888

INSULATION, BATT 200000 INSULATION, RIGID THIN METAL

METAL LATH PLASTER PLYWOOD

242762 ROCK FILL \sim WOOD, FRANING WOOD SHIM OR BLOCKING **ABBREVIATIONS**

NEW NOT IN CONTRACT NUMBER NOT TO SCALE (N) N.I.C. NO.OR∯ N.T.S. ALDISIDAL
APPROXIMATE
ARCHITECTUR
BOARD
BUILDING
BLOCKING
BOTTOM N.T.S. NOT TO SOLE

O.C. ON CEPTER
O.D. SUSPER
O.D. SUSPER
O.D. SUSPER
OFF. GFICE
OPPIG
OP CAST IRON
CERLING
CLOSET
CLOSET
CLEAR
CASED OPENIN
COLUMN
CONCRETE
CONSTRUCTION
CONTRIUDIUS

P.T.R. PAPER TOWEL RECEPTACLE

DEPARTMENT DETAIL DIAMETER DIMENSION DOWN DISPENSER DOWN SPOU DRAWING RAD. R.D. REF. REFR. RGTR. REINF. REQD. RM. R.O. RWD. R.W.L. EACH ELEVATION ELECTRICAL ELEVATOR ENCLOSURE EQUAL EXISTING EXTERIOR REDWOOD RAIN WATER LEADER

SOLD CORE
SAI COVER INSPERSE
SOCIEDAL
SOLD DESPENSE
SOLD CORE
SOLD PLOOR DRAIN
FREE EXTINGUISHER
FIRE HOSE CABINET
FINISH
FLUORESCENT
FACE OF CONCRETE
FACE OF FINISH
FACE OF STUDS
FOOT OR FEET
FOOTING
FURRENG

SYMMETRICAL SEE STRUCTURAL DRAWINGS SEE STRUCTURAL DIVINING
TOPOF CURB
TELEPHONE
TONGUE & GROOVE
THICK
TOLET PAPER DISPENSER
TELEVISION
TOP OF WALL
TYPICAL T.B.
T.C.
TEL.
T. & G.
THK.
T.P.D.
T.V.
T.W.
T.P.

FURRING
GAUGE
GALVANIZED
GRAB BAP
QLASS
GYPSUM
HOSE BIE
HOLLOW CORE
HARDWOOD
HOLLOW METAL
HOREONAL
HOREONAL
HOREONAL UNLESS OTHERWISE NOTED VERTICAL VERIFY IN FIELD

INSIDE DIAMETER INSULATION INTERIOR JOINT WATER CLOSET WOOD WITHOUT WATERPROOF WEIGHT LAVATORY LIGHT MAXIMUN MECHANICAL METAL MANUFACTURER WINDUM MISCELLANEOUS MOUNTED

GENERAL NOTES

SCOPE OF WORK: SCOPE OF WORK INVOLVES INSTALLATION OF A PRE-FABRICATED MODULAR BUILDING ON A VACANT LOT FOR USE AS VOCATIONAL SCHOOL FOR ADULTS TO TEACH THEM HOW TO DRIVE A TRUCK AND/OR A BUS.

CALIFORNIA BUILDING CODE 2001 EDITION (1997 UBC)
CALIFORNIA FIRE CODE 2001 EDITION (2000 UFC)
CALIFORNIA MECHANICAL CODE 2001 EDITION (2000 UMC)
CALIFORNIA PLUMBING CODE 2001 EDITION (2000 UFC)
CALIFORNIA ELECTRICAL CODE 2001 EDITION (1999 NEC)

LOCATION MAP

ALONG WITH ANY OTHER APPLICABLE LOCAL ORDINANCES AND STATE LAWS AND REGULATIONS.

PROJECT DATA

PROJECT ADDRESS 2977 BAUMBERG AVENUE HAYWARD, CA 94545 APN: 456-54-16 & 456-54-17

CONSTRUCTION TYPE: V-N NON-SPRINKLERED

OCCUPANCY: ALLOWABLE AREA:

8,000 SQ, FT. 1,420 SQ. FT.

1ST FLOOR AREA: LOT AREA: 93,378 SQ. FT. LOT COVERAGE: 1.52%

OCCUPANCY SEPARATION: NONE REQD. (CBC TABLE 3-8)

PLN2004-0 BLD2004-0

INDEX OF DRAWINGS

T-0 TITLE SHEET

CIVIL DRAWINGS: TOPOGRAPHIC SURVEY

SITE & LANDSCAPE: SITE PLAN & ACCESSIBLE ROUTE ACCESSIBILITY DETAILS

BUILDING DRAWINGS: BUILDING PLAN & ELEVATIONS MECHANICAL, ELECTRICAL & PLUMBING

CONTACT LIST

MOE JANDA A-1 TRUCK DRIVING SCHOOL 2977 BAUMBERG AVENUE HAYWARD, CA 94545 PHONE: 510.783.6330 FAX: 510.783.6361 OWNERS REPRESENTATIVE:

ARUN SHAH S.E. ARUN SHAH & ASSOCIATES 39795 PASEO PADRE PARKWAY FREMONT, CA 94538

PHONE: 510.220.4264 FAX: 510.657.4265 CIVIL ENGINEER: KEVIN NICHOLAS P.E.

KEVIN NICHOLAS P.E. CENTERLINE LAND SURVEYING, INC. 4047 FIRST STREET, SUITE 101 LVERNORE, CA 94550 PHONE: 925.454.3050 FAX: 925.454.3048

MODULAR BUILDING SUPPLIER

MARK WADDELL WILLIAMS SCOTSMAN, INC. 4911 ALLISON PARKWAY VACAVILLE, CA 95688 PHONE: 707.451.3000 FAX: 707.451.4000

STRUCTURAL ENGINEER:

BEN J. KRAKOWSKI CONSULTING CWIL ENGINEER 13413 N. 101ST WAY SCOTTSDALE, AZ 85260 PHONE: 480.451.0587

CITY APPROVALS

RECEIVED OCT 0 2 2003 PLANNING DIVISION

Project # PL-2003-0576/UP A-1 TRUCK DRIVING PHONE 800.830.0989

SCHOOL, INC.

Sheet TITLE SHEET

2977 BAUMBERG AVENUE HAYWARD, CA 94545

Date	Issued For
10-1-03	USE PERMIT
Drawn by	ARUN
Chacked by	/ ARUN
Project no.	Sheet no.
ASA03-003	3

